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PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

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**DECLARATION
AND
POWER OF ATTORNEY
FOR UTILITY OR DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

| | |
|--------------------------|------------------------|
| Attorney Docket Number | PRD2019 |
| First Named Inventor | Nicholas I. Carruthers |
| COMPLETE IF KNOWN | |
| Application Number | |
| Filing Date | |
| Group Art Unit | |
| Examiner Name | |

☐ Declaration Submitted with Initial Filing ☐ Declaration Submitted after Initial Filing (Surcharge (37 CFR 1.16(e)) required)

I, as below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name...
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SUBSTITUTED 4-PHENYL-1,3-DIOXANES
(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) ☐ as United States Application Number or PCT International Application Number ☐ and was amended on (MM/DD/YYYY) ☐

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? YES NO |
|-------------------------------------|---------|----------------------------------|--|--|
| | | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:



DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
| 60/433,192 | 12/12/2002 | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status |
|------------------------|-------------|----------------------------------|
| | | Patented Patented Patented |

I hereby appoint:

☒ Practitioners at Customer Number 000027777

Place Customer
Number Bar Code
Label Here

AND

☐ Practitioner(s) named below:

Name

Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to John W. Harthour at telephone number (732) 524-2169.

Direct all correspondence to: ☒ Customer Number 000027777 OR ☐ Correspondence address below

Name:

Address:

Address:

City:

State:

ZIP

Country

Telephone:

Fax:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Nicholas I

Family Name
or Surname Carruthers

Inventor's
Signature

Nicholas I. Carruthers

Date

12/16/03

Residence: City Poway

State CA

Country USA

Citizenship USA

Mailing Address 14370 Silver Heights Road

City

Poway

State CA

ZIP 92064

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SECOND INVENTOR:

☒ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Todd K.

Family Name
or Surname Jones

Inventor's
Signature

Todd K. Jones

Date

12/16/03

Residence: City Solana Beach

State CA

Country USA

Citizenship USA

Mailing Address 546 Marview Drive

City

Solana Beach

State CA

ZIP 92075

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Xiaobing

Family Name
or Surname Li

Inventor's
Signature

Date

Residence: City Flemington

State NJ

Country USA

Citizenship USA

Mailing Address 49 Timberwick Drive

City

Flemington

State NJ

ZIP 08822

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Nicholas I

Family Name
or Surname Carruthers

Inventor's
Signature

Date

Residence: City Poway

State CA

Country USA

Citizenship USA

Mailing Address 14370 Silver Heights Road

City Poway

State CA

ZIP 92064

Country USA

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NAME OF SECOND INVENTOR:

☒ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Todd K.

Family Name
or Surname Jones

Inventor's
Signature

Date

Residence: City Solana Beach

State CA

Country USA

Citizenship USA

Mailing Address 546 Marview Drive

City Solana Beach

State CA

ZIP 92075

Country USA

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NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Xiaobing

Family Name
or Surname Li

Inventor's
Signature

Date

12/28/03

Residence: City Flemington

State NJ

Country USA

Citizenship USA

Mailing Address 49 Timberwick Drive

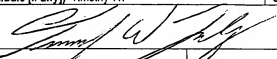
City Flemington

State NJ

ZIP 08822

Country USA


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| | | | |
|---|-----------------|---|------------------------|
| NAME OF SOLE OR FOURTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Timothy W. | | Family Name or Surname Lovenberg | |
| Inventor's Signature  | | Date 12/16/03 | |
| Residence: City San Diego | State CA | Country USA | Citizenship USA |
| Mailing Address 13252 Courtland Terrace | | | |
| City San Diego | State CA | ZIP 92130 | Country USA |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--|-----------------|---|------------------------|
| NAME OF FIFTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Laura C. | | Family Name or Surname McAtee | |
| Inventor's Signature | | Date | |
| Residence: City King of Prussia | State PA | Country USA | Citizenship USA |
| Mailing Address 803 Monroe Blvd. | | | |
| City King of Prussia | State PA | ZIP 19406 | Country USA |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--|-----------------|---|------------------------|
| NAME OF SIXTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Victor K. | | Family Name or Surname Phuong | |
| Inventor's Signature  | | Date 12/16/03 | |
| Residence: City San Diego | State CA | Country USA | Citizenship USA |
| Mailing Address 8272 Flanders Drive, #24 | | | |
| City San Diego | State CA | ZIP 92126 | Country USA |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|---|----------|---|-----------------|
| NAME OF SOLE OR FOURTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Timothy W. | | Family Name or Surname Lovenberg | |
| Inventor's Signature | | Date | |
| Residence: City San Diego | State CA | Country USA | Citizenship USA |
| Mailing Address 13252 Courtland Terrace | | | |
| City San Diego | State CA | ZIP 92130 | Country USA |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | |
| NAME OF FIFTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Laura C. | | Family Name or Surname McAtee | |
| Inventor's Signature <i>Laura McAtee</i> | | Date <i>December 12, 2003</i> | |
| Residence: City King of Prussia | State PA | Country USA | Citizenship USA |
| Mailing Address 803 Monroe Blvd. | | | |
| City King of Prussia | State PA | ZIP 19406 | Country USA |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | |
| NAME OF SIXTH INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) Victor K. | | Family Name or Surname Phuong | |
| Inventor's Signature | | Date | |
| Residence: City San Diego | State CA | Country USA | Citizenship USA |
| Mailing Address 8272 Flanders Drive, #24 | | | |
| City San Diego | State CA | ZIP 92126 | Country USA |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Dale A.

Family Name
or Surname Rudolph

Inventor's
Signature

Dale A. Rudolph

Date

12/16/03

Residence: City San Diego

State CA

Country USA

Citizenship USA

Mailing Address 12721 Alondra Court

City San Diego

State CA

ZIP 92128

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF EIGHTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any)) Steven W.

Family Name
or Surname Sutton

Inventor's
Signature

Steven W. Sutton

Date

12/16/03

Residence: City Carlsbad

State CA

Country USA

Citizenship USA

Mailing Address 6046 Paseo Alameda

City Carlsbad

State CA

ZIP 92009

Country USA